

IN THE CIRCUIT COURT OF THE 20TH JUDICIAL CIRCUIT IN
AND FOR LEE COUNTY, FLORIDA
GENERAL JURISDICTION DIVISION

CASE NO: 05-CA-001604

SUSANA GARCIA BADARACCO,

Plaintiff,

v.

RICARDO GARCIA BADARACCO,
HERMES INVESTMENT CO., INC.,
ATRUKEY, INC.,

Defendants.

200 South Biscayne Boulevard
Miami, Florida
Thursday, September 22, 2011

VIDEOTAPED DEPOSITION OF ERICH J. SPECKIN

VOLUME 2, PAGES 114 - 281

Taken before Gina Garcia, RPR, CRR, Notary Public in
and for the State of Florida at Large, pursuant to
Defendants' Re-Notice of Taking Videotaped Deposition Duces
Tecum filed in the above cause.

GOVERNMENT
EXHIBIT

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<p>143</p> <p>1 BY MR. FRIDMAN</p> <p>2 Q Right.</p> <p>3 A -- with proposed changes from the people</p> <p>4 who authored the first one or maybe no proposed</p> <p>5 changes.</p> <p>6 Q But you haven't written back to offer your</p> <p>7 opinion about the proposed standards, right?</p> <p>8 A Yes, I have.</p> <p>9 Q When was the last time you did that?</p> <p>10 A I don't know. I told you, I can't recall.</p> <p>11 Q So it had -- it wasn't recently?</p> <p>12 A I don't recall the last time that I wrote</p> <p>13 back.</p> <p>14 Q Ten years ago?</p> <p>15 A I don't know.</p> <p>16 Q Now, isn't membership in the American</p> <p>17 Society for Testing and Materials open to anyone who</p> <p>18 pays \$75 to join?</p> <p>19 MR. MURPHY: Objection to form.</p> <p>20 THE WITNESS: I don't know about the</p> <p>21 overall organization. It might be. I believe</p> <p>22 there is some review process that you have to be</p> <p>23 actively involved in forensic sciences to be in</p> <p>24 the E30 committee, but I can't tell you what the</p> <p>25 process is because I don't know.</p>	<p>145</p> <p>a lot of stuff that you don't need to do. I</p> <p>guess it would be a departure, sure, yeah, I'd</p> <p>agree. Yeah, as I see fit, I would depart, yes,</p> <p>that would be fair.</p> <p>BY MR. FRIDMAN</p> <p>Q So other than these three professional</p> <p>affiliations you list on your CV, are these the only</p> <p>ones you hold?</p> <p>A Yes.</p> <p>MR. MURPHY: Objection to form.</p> <p>BY MR. FRIDMAN</p> <p>Q And, actually, the Society of Forensic Ink</p> <p>Analysts no longer exists, so you only really have</p> <p>two professional affiliations; right?</p> <p>A Correct. I should say, although it's not</p> <p>on my CV, I'm a licensed private investigator in the</p> <p>state of Michigan because you need to be to maintain</p> <p>forensic evidence in cases, only because it's a</p> <p>requirement, MI. I wouldn't consider that a</p> <p>professional affiliation, but I'm also a member of</p> <p>some private investigator's thing -- I don't even</p> <p>know the name of it as I sit here, so I'm not trying</p> <p>to say that I'm not a member of it, but I don't</p> <p>really consider -- I mean, all --</p> <p>Q Okay.</p>
<p>144</p> <p>1 BY MR. FRIDMAN</p> <p>2 Q Okay. Is this organization also referred</p> <p>3 to as ASTM?</p> <p>4 A Probably by some people. It's ASTM</p> <p>5 International, but I'm sure some people refer to it</p> <p>6 at ASTM. I still do, I guess, on occasion.</p> <p>7 Q Do you follow ASTM standards in the work</p> <p>8 you do?</p> <p>9 MR. MURPHY: Objection to form.</p> <p>10 THE WITNESS: Generally, yes.</p> <p>11 BY MR. FRIDMAN</p> <p>12 Q Do you think that they're good standards?</p> <p>13 A I think they're way overblown for what you</p> <p>14 need to do. I would say I use it as a guideline,</p> <p>15 like it's intended, more than I use it as an</p> <p>16 absolutely every letter as followed. I don't know</p> <p>17 anybody that does that. I'm sure people do, but I</p> <p>18 don't know anyone that would -- that does it to that</p> <p>19 degree. But follow it in general, absolutely, yes.</p> <p>20 Q So you may depart from the ASTM standards</p> <p>21 in your work as you see fit?</p> <p>22 MR. MURPHY: Objection to form.</p> <p>23 THE WITNESS: I would say omit more than</p> <p>24 depart. It's not like I would say I typically</p> <p>25 do something different than it says, but there's</p>	<p>146</p> <p>A I'm not trying to -- it's not a knock on</p> <p>the association, it's just not something that I</p> <p>typically involve myself in, so it's not a</p> <p>significant thing to me.</p> <p>Q Okay. Are you a member of the American</p> <p>Academy of Forensic Sciences?</p> <p>A No.</p> <p>Q Are you a member of the Canadian Society of</p> <p>Forensic Science?</p> <p>A No.</p> <p>Q Are you a member of the American Society of</p> <p>Questioned Document Examiners?</p> <p>A No.</p> <p>Q Why aren't you a member of these</p> <p>organizations?</p> <p>A I was a member of the American Society --</p> <p>or the American Academy of Forensic Sciences, the</p> <p>questioned document section. I don't deal with</p> <p>questioned document, like handwriting issues that</p> <p>frequently anymore, so it's not helpful for me.</p> <p>Q Uh-huh.</p> <p>A Same for the other two, especially the</p> <p>American Society of Questioned Document Examiners. I</p> <p>don't do that much handwriting work. I mean, I still</p> <p>do some, but it's not worth it for me to belong,</p>

<p style="text-align: right;">147</p> <p>1 since most of the work I do involves inks.</p> <p>2 Q What were the circumstances that you left</p> <p>3 the American Academy of Forensic Sciences?</p> <p>4 A I resigned.</p> <p>5 Q Why did you resign?</p> <p>6 A The same ethics complaint was filed with</p> <p>7 the American Academy, and I couldn't attend the</p> <p>8 hearing, but they wouldn't reschedule it, so I simply</p> <p>9 resigned since I didn't care anymore. I had already</p> <p>10 been cleared of everything by the Midwestern</p> <p>11 Association several months before.</p> <p>12 Q So why didn't you try to fight the ethics</p> <p>13 complaint with the American Academy of Forensic</p> <p>14 Sciences?</p> <p>15 A I couldn't be there. I was under subpoena</p> <p>16 to testify in Los Angeles. They set a date when I</p> <p>17 was in a trial. I couldn't do anything.</p> <p>18 Q Was the hearing held?</p> <p>19 A I have no idea.</p> <p>20 Q Did they make findings and conclusions?</p> <p>21 A I have no idea. I don't believe so, but I</p> <p>22 never heard that there was one.</p> <p>23 Q Are you certified by the American Board of</p> <p>24 Forensic Document Examiners?</p> <p>25 A No.</p>	<p style="text-align: right;">149</p> <p>been brought to the attention of the American Board of Forensic Document Examiners Board of Directors that on several occasions you have cited as a qualification that you are eligible for certification by the American Board of Forensic Document Examiners and expect to take the national board examinations in February of 1996. Is that what the letter said?</p> <p>A I don't have it committed to memory, but I believe it was something along those lines. I mean, I don't recall it verbatim. I only remember May 4th because that's my dad's birthday.</p> <p>Q Okay. But that's generally what the letter said?</p> <p>A Generally, yeah, that's what I just told you.</p> <p>Q Did --</p> <p>A It's untrue, though. No, I hadn't used it as a qualification. I had been asked and I said I expected to take it. I don't remember in what context I was asked, but I did say in 1995 that I expected to take it in '96, and I did.</p> <p>Q It was listed in those Lawyers Weekly articles; right?</p> <p>A That part was not.</p> <p>Q That we discussed earlier?</p>
<p style="text-align: right;">148</p> <p>1 Q Who is Howard Rile?</p> <p>2 A He is a document examiner from Los Angeles.</p> <p>3 Q Do you recall a letter to you written by</p> <p>4 the American Board of Forensic Document Examiners in</p> <p>5 May 1998 asking you to cease and desist representing</p> <p>6 yourself as eligible for certification by the board?</p> <p>7 A I remember a letter -- yeah, May 4th, 1998,</p> <p>8 generally saying that, but it was a little more</p> <p>9 couched than that to get around the fact that it was</p> <p>10 misleading. It says: Please discontinue saying A</p> <p>11 and B. A is that you expect to take the national</p> <p>12 boards in February of 1996. Clearly, in 1998, I was</p> <p>13 not saying I intended to do something two years ago</p> <p>14 when I knew I didn't do it, so of course it would be</p> <p>15 misleading if I was saying that. So it's a couched</p> <p>16 letter that was intended to just try to make me look</p> <p>17 bad in situations like this, but it was a nonsensical</p> <p>18 letter. I wasn't saying that in 1998. It was</p> <p>19 foolish.</p> <p>20 I answered your question earlier in a</p> <p>21 deposition that I said I believe in June of 1995 that</p> <p>22 I intended on taking the boards in February of 1996</p> <p>23 or I had hoped to. I didn't, but I wasn't saying in</p> <p>24 1998 that I -- that was just a foolish letter.</p> <p>25 Q Do you remember the letter saying: It has</p>	<p style="text-align: right;">150</p> <p>A That part was not. It said "eligible for certification," which likely because I intended to take the boards or the exams several months later...</p> <p>Q And did you take them?</p> <p>A No. I said that.</p> <p>Q Have you ever taken those exams?</p> <p>A No.</p> <p>Q Do you remember the letter stating: It is the unanimous consensus of the ABFDE board of directors that your representation is, at the very least, inaccurate and, at worst, could be viewed as a fraudulent misrepresentation. You're requested to cease and desist referring to yourself as eligible for certification until you are authorized by the ABFDE to do so.</p> <p>Do you remember the letter stating that?</p> <p>A Yes.</p> <p>Q Did you write back to them and tell them that they were wrong?</p> <p>A I did nothing, no. If asked if I completed their requirements, I still say yes to this day.</p> <p>Q Did you ever talk to Mr. Rile about that letter?</p> <p>A No.</p> <p>Q You never talked -- discussed it?</p>

<p>151</p> <p>1 A I don't think so.</p> <p>2 Q Never had a conversation with him?</p> <p>3 A I'm sure I've had conversations with him.</p> <p>4 I don't believe that I've ever mentioned the letter.</p> <p>5 Maybe I have. I don't know.</p> <p>6 Q Or the accusation?</p> <p>7 A It's possible I mentioned an accusation</p> <p>8 that I was unhappy about it, but I can't say</p> <p>9 specifically if it was him that I said that to; but I</p> <p>10 remember some face to face with someone in the late</p> <p>11 '90s, but I can't remember who it was. Someone had</p> <p>12 approached me, and I don't remember who it was. I</p> <p>13 don't think it was Howard Rile, though, but I'm not</p> <p>14 sure, I don't know. You'd have to ask him.</p> <p>15 Q Why haven't you ever sat for that board</p> <p>16 examination?</p> <p>17 A Number one, because I don't care. Number</p> <p>18 two, I don't deal with handwriting examination that</p> <p>19 frequently. It's not worth the time and energy that</p> <p>20 it takes. Because it's a multi-step process, it</p> <p>21 takes almost two years. For the few cases that I do</p> <p>22 in handwriting examination, it's -- it's not worth</p> <p>23 it.</p> <p>24 Q But it would be an impressive credential to</p> <p>25 have, right?</p>	<p>153</p> <p>deposition, Mr. Murphy?</p> <p>MR. MURPHY: Because I'm concerned that you</p> <p>may not be doing something that's proper with</p> <p>this witness, and so I asked why you didn't make</p> <p>it an exhibit since you seemed to be reading</p> <p>from it. If you don't have a copy of it, then</p> <p>that sort of troubles me because I seem to</p> <p>remember that being one of those things that the</p> <p>Florida bar doesn't think is the proper way to</p> <p>examine a witness. If you do have -- if you do</p> <p>have a copy, then I would like to see it</p> <p>sometime.</p> <p>BY MR. FRIDMAN</p> <p>Q Mr. Speckin, do you have a copy of that</p> <p>letter?</p> <p>A I do not.</p> <p>MR. MURPHY: Would you give us -- would you</p> <p>provide us with a copy of that letter?</p> <p>MR. FRIDMAN: Let's ask the next question.</p> <p>MR. MURPHY: Okay. I'll write a letter</p> <p>then to you and ask, since you can't answer that</p> <p>question now.</p> <p>BY MR. FRIDMAN</p> <p>Q Do you have any properties at 15601 Nectar</p> <p>Lane, Haslett, Michigan?</p>
<p>152</p> <p>1 MR. MURPHY: Objection to form.</p> <p>2 THE WITNESS: I don't know about</p> <p>3 impressive. I don't -- I don't mean anything</p> <p>4 bad to the board. My father was a member for 30</p> <p>5 years. I don't think it's impressive, though,</p> <p>6 no. I would say going to Harvard would be more</p> <p>7 impressive, but not saying you're a member of</p> <p>8 the American Board, no, I don't think that's</p> <p>9 impressive.</p> <p>10 MR. MURPHY: Do you have a copy of that</p> <p>11 letter you want to make an exhibit that you've</p> <p>12 apparently been reading quotes from and asking</p> <p>13 him if he remembers it?</p> <p>14 MR. FRIDMAN: No. I'm not going to make it</p> <p>15 into an exhibit.</p> <p>16 MR. MURPHY: You know, one guy in -- I seem</p> <p>17 to remember, maybe it was just a story instead</p> <p>18 of a case, he stood up reading the Lord's -- had</p> <p>19 a copy of the Lord's prayer in his hand and was</p> <p>20 reading it to a witness, reading something to</p> <p>21 the witness trying to get him to agree to it. I</p> <p>22 seem to remember that becoming an issue at some</p> <p>23 point in time. Perhaps we'll talk about that</p> <p>24 later. You do have the letter, right?</p> <p>25 MR. FRIDMAN: Why are you interrupting my</p>	<p>154</p> <p>A Again, I'm not going to answer questions</p> <p>about financial or real estate holdings or anything</p> <p>like that, that's not subject to deposition.</p> <p>Q How about 408 Northeast 6th Street?</p> <p>A Okay. What I own is not the subject of the</p> <p>deposition, or what I don't own, for that matter.</p> <p>Q Are you aware of a federal tax lien filed</p> <p>on November 2nd, 2010 at a property, 408 Northeast</p> <p>6th Street, Unit 248, Fort Lauderdale, Florida in the</p> <p>amount of \$241,177?</p> <p>A I am.</p> <p>Q So you do have a federal tax lien in that</p> <p>amount filed against you?</p> <p>A That's not my building. I am aware of the</p> <p>lien.</p> <p>Q You are aware of the lien. You are the</p> <p>debtor of that tax lien, though; right?</p> <p>A Personally, yes.</p> <p>Q Are you aware of a state tax lien in the</p> <p>amount of \$3,184 filed July 20th, 2010 at the address</p> <p>of 15601 Nectar Lane, Haslett, Michigan?</p> <p>A Maybe I should be clear. Are these -- are</p> <p>you saying that I still owe the debt or that these</p> <p>liens were filed? Your question was: Were the liens</p> <p>filed, right?</p>